

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

MARK A. ARTHUR, CIRILO MARTINEZ,
PARI NAJAFI, and HEATHER MCCUE on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

SALLIE MAE, INC.,

Defendant.

JUDITH HARPER,

Plaintiff/Intervenor,

v.

ARROW FINANCIAL SERVICES, LLC,

Defendant.

CLASS ACTION

NO. 10-cv-00198-JLR

**SUPPLEMENTAL
DECLARATION OF
JENNIFER M. KEOUGH
REGARDING AMENDED
SETTLEMENT
ADMINISTRATION**

JENNIFER M. KEOUGH declares and states as follows:

1. I am Chief Operating Officer of The Garden City Group, Inc. ("GCG"). The following statements are based on my personal knowledge and information provided by

1 other GCG employees working under my supervision, and if called on to do so, I could and
2 would testify competently thereto.

3 2. GCG was selected and engaged by parties in the above-captioned action (the
4 “Action”) to serve as the Claims Administrator as described in the original Settlement
5 Agreement and Amended Settlement Agreement. This Court approved the Class Notice
6 and claims administration program in the Order Certifying Provisional Settlement Class,
7 Preliminarily Approving Amended Class Action Settlement and Providing for Notice to the
8 Settlement Class filed on April 3, 2012 (the “Preliminary Approval Order”).
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10 3. I submit this Declaration as an update to my declarations dated May 17,
11 2012 and August 1, 2012, in order to provide the Court and the Parties to the Action with
12 complete information regarding claims administration statistics, including the number of
13 Class Members who submitted exclusion requests, and the number of Claim Forms,
14 Revocation Request Forms, and objections received.
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16 4. This Declaration includes data through September 9, 2012.
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18 **CLAIMS ADMINISTRATION**

19 5. In order to participate in the Settlement, Settlement Class Members were
20 required to submit a valid Claim Form and/or Revocation Request Form postmarked no
21 later than August 31, 2012. Settlement Class Members could either submit their Claim
22 Form or Revocation Request Form online or return a hard copy via U.S. mail. GCG
23 received 106,449 Claim Forms and 76,702 Revocation Request Forms prior to the
24 Amended Settlement. Through September 9, 2012, GCG received an additional 60,032
25 Claim Forms and 23,196 Revocation Forms in connection with the Amended Settlement.
26 Some individual Class Members submitted multiple Claim Forms over the course of
27 administration of the original and Amended Settlement. All Claim Forms and Revocation
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1 Request Forms submitted prior to the August 31, 2012 deadline have been treated as
2 timely. As of September 9, 2012, GCG has received a total of 166,437 timely Claim
3 Forms, 44 late Claim Forms, 99,860 timely Revocation Request Forms, and 38 late
4 Revocation Request Forms throughout the administration of both the original Settlement
5 and Amended Settlement. GCG has received a timely Claim Form and/or a Revocation
6 Request Form from 171,263 unique individuals, which is approximately 2.2% of the Class
7 of 7,792,256 persons.

8 **ESTIMATED CLAIM AWARD**

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10 6. After review of the claims received to date, GCG estimates that the *pro-rata*
11 cash payment or loan reduction award will be in the range of \$110 to \$120 for each
12 Settlement Class Member who filed a valid Claim Form before the claim deadline and has
13 not had their account charged off. As noted in my Declaration dated August 1, 2012, GCG
14 estimates that approximately \$12,720,000 will be available for distribution on a *pro-rata*
15 basis to Class Members who qualify for a cash payment or loan reduction award after
16 attorney fees, representative awards and administrative costs are paid. GCG has reviewed
17 all claims received for eligibility and validity and estimates that approximately 109,850
18 claims will be eligible for a cash payment or loan reduction award at the conclusion of the
19 claims processing period. This payable claim count estimate is based on the approximately
20 163,250 unique individuals who submitted a timely postmarked Claim Form prior to the
21 Claim Form deadline. The payable claim count estimate also takes into account that there
22 are approximately 53,400 claims that have been submitted from individuals that had their
23 account charged off, who are not eligible to receive a cash or reduction award.

24 **TELEPHONE ASSISTANCE PROGRAM**

25 7. GCG updated and continues to maintain an Interactive Voice Response
26 ("IVR") system with information about the Amended Settlement. The toll-free number
27 used solely for this Settlement is (888) 730-7196. This toll-free help line is accessible
28 twenty-four hours a day, seven days a week. Claimants who call the toll-free number have

1 the option of leaving a voice message so that a call center representative can return the call.
2 Through September 9, 2012, there have been 157,677 calls to the automated number, and
3 44,553 callers have left messages. All requests for a return call were handled promptly.
4 GCG has and will continue to expeditiously handle Class Member inquiries as well as
5 update the IVR with new information throughout the claims process.

6 **SETTLEMENT WEBSITE**

7 8. GCG established a Settlement Website dedicated exclusively to this
8 Settlement (www.ArthurTCPASettlement.com) on or before September 19, 2010. The
9 website was further updated with information regarding the Amended Settlement pursuant
10 to direction from counsel and the Court, and provides additional information to the
11 Settlement Class Members, including: (1) The Long Form Notice and Publication Notice;
12 (2) the full text of the Amended Settlement Agreement; (3) the Amended Preliminary
13 Approval Order; (4) answers to Frequently Asked Questions; (5) contact information for
14 the Claims Administrator; (6) Online Claim and Revocation Request Forms (through
15 August 31, 2012); and (7) important dates and deadlines. In addition to the option of
16 submitting Claim and Revocation Request Forms online, a person could download and
17 print a Claim Form or Revocation Request Form for submission by U.S. mail through the
18 August 31, 2012 deadline. The website address was provided in the Email Notice, the Mail
19 Notice, and the Publication Notice. GCG continues to maintain and update the website,
20 and through September 9, 2012, there have been a total of 249,180 visits to the Settlement
21 Website. Of these 249,180 visits, 170,724 have occurred since the Amended Settlement
22 Notice Program began on April 12, 2012.

23 **EXCLUSION REQUESTS AND OBJECTIONS**

24 9. The deadline to submit either an exclusion request or objection to the
25 Amended Settlement or Class Counsels' fee request was July 3, 2012. All objections and
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1 exclusion requests submitted prior to the Amended Settlement deadline have been treated
2 as timely.

3 10. As of September 9, 2012, GCG has received a total of 395 timely exclusion
4 requests and six (6) late exclusion requests. In total, less than .0051% of all Settlement
5 Class Members timely excluded themselves from the Settlement or Amended Settlement.
6 A list of all timely exclusion requests received is attached here as Exhibit A.
7

8 11. Additionally, as of July 29, 2012, GCG has either been notified by Counsel
9 or received directly 27 timely objections, and one (1) late objection, representing 35 Class
10 Members. In total, less than .00045% of all Settlement Class Members filed an objection to
11 the original Settlement Agreement, the Amended Settlement Agreement, or the motion for
12 attorneys' fees.
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14 I declare under the penalty of perjury pursuant to the laws of the United States that
15 the foregoing is true and correct.

16 Executed on September 10, 2012, at Seattle, Washington.
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21 JENNIFER M. KEOUGH
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CERTIFICATE OF SERVICE

I, Beth E. Terrell, hereby certify that on September 10, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DECLARATION OF JENNIFER M. KEOUGH

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13 *Attorneys for Objectors Patrick Sweeney and Sasha McBean*

14 DATED this 10th day of September, 2012.

15 TERRELL MARSHALL DAUDT & WILLIE PLLC

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